

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHARLOTTE WINELAND, Individually,  
and SUSAN WINELAND, as Personal  
Representative of the Estate of JOHN DALE  
WINELAND, Deceased,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,  
et al.

Defendants.

Case No. 2:19-cv-00793-RSL

STIPULATED MOTION AND ORDER TO  
FILE UNDER SEAL CAPTAIN MOORE'S  
REPORT RE: ITAR-PROTECTED  
DOCUMENTS RELATED TO CARRIER  
CORPORATION

**STIPULATION**

Plaintiffs Charlotte Wineland and Susan Wineland ("Plaintiffs"), together with Carrier Corporation, hereby file this stipulated motion for an order allowing Plaintiffs to file under seal Exhibit 2 to their expert Captain Arnold Moore's report, which is related to Carrier documents protected from public disclosure under the International Traffic in Arms Regulations (ITAR). The Court has previously granted a stipulated protective order as to those documents, limiting their disclosure. (Dkt. # 191.)

Pursuant to LR 5(g)(3)(A), the parties certify that they have met and conferred in an attempt to reach an agreement on the need to file the document under seal, to minimize the amount of

1 material filed under seal, and to explore redaction and other alternatives to filing under seal.  
 2 Plaintiffs' counsel Andrew Seitz conferred with counsel for Carrier, Megan Uhle, on October 16,  
 3 2020, and requested that Carrier agree to allow Plaintiffs to not have to attach the actual documents  
 4 under ITAR protection, and to allow Plaintiffs to not have to file under seal the portion of their  
 5 expert Captain Arnold Moore's report that summarizes the relevant parts of the documents. After  
 6 conferring with additional Carrier counsel, Ms. Uhle informed Plaintiffs on October 19, 2020, that  
 7 Carrier would not object to the fact that Plaintiffs did not attach as exhibits the actual documents,  
 8 but that Carrier could not waive ITAR protections and as such Captain Moore's report—and thus,  
 9 part of Plaintiffs' response to Carrier's motion for summary judgment—must be filed under seal.

10 Pursuant to LR 5(g)(3)(B), Carrier states that ITAR is a United States regulatory regime to  
 11 restrict and control the export of defense and military related technologies to safeguard United  
 12 States national security and further United States foreign policy objectives. Because the underlying  
 13 documents are protected by ITAR, any public disclosure of the documents or their contents could  
 14 jeopardize United States national security and erode United States foreign policy objections. It is  
 15 mandatory that Carrier follow ITAR procedures, and they cannot be waived by Carrier.

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1 DATED this 19th day of October 2020.

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3 FROST LAW FIRM, PC

4 /s/ Andrew Seitz

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*Attorneys for Carrier Corporation*

**ORDER**

Based on the foregoing Stipulation of the Parties, it is hereby ORDERED that Exhibit 2 to the Expert Report of Captain Arnold Moore, which is related to the Carrier Corporation documents protected by ITAR, and Plaintiffs' unredacted response to Carrier Corporation's motion for summary judgment referencing the same, shall be kept under seal.

DATED this 26th day of October, 2020.



THE HONORABLE ROBERT S. LASNIK

Presented by:

/s/ Andrew Seitz 10/19/2020

Plaintiffs' Counsel Date

/s/ Megan Uhle 10/19/2020

Defendant Carrier Corporation Date